IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 7376 of 2004

Between:

M/s.Kalyani Refineries Limited, Situated in Sy.No.181 & 182, Raikal Village, Farooknagar Mandal, Ranga Reddy District, Rep. by its Managing Director, V.V.Narasimha Rao.

.....PETITIONER

AND

1 The Central Power Distribution Company Ltd., A.P., rep. by its Chairman and Managing Director.
2 The Chief General Manager, Commercial, APCPDCL, 3rd Floor, Singareni Bhavan, Red Hills, Hyderabad.
3 The Superintending Engineer, APCPDCL, Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or writs or direction/s declaring the impugned order passed by the respondents vide Lr.No.CGM/Comml/DEO/ADE-1/F-HT/D. No.114.4 dated: 13-4-2004 as illegal, arbitrary, unconstitutional and without jurisdiction and consequently direct the respondents to delete the development charges, unconnected minimum charges from the letter No. CGM (Comml)/DEO/ADE-1/F.HT/D.No.4006/03 dated: 8-3-2004 and extend the benefit of G.O.Ms.No.359 (Industries and Commerce (IP) Department) dated: 25-6-2001 to the petitioner's company.

Counsel for the Petitioner: SRI B.VIJAYSEN REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and learned Standing Counsel for APCPDCL.

The petitioner-company confines its relief to the extent of consideration of its representation dated 08.03.2004 filed before the 1st respondent requesting him to waive UCM charges and Minimum charges as per G.O. Ms. No.359, dated 25.06.2001, since the petitioner has already paid the development charges. Without going into the merits of the case, I am of the opinion that there cannot be any objection for the 1st respondent to consider the said representation of the petitioner dated 08.03.2004 and dispose of the same in accordance with law. The writ petition is accordingly disposed of directing the 1st respondent to consider and dispose of the representation of the petitioner, dated 08.03.2004 and pass appropriate orders thereon in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

28.03.2005

MRKR

To

1 The Central Power Distribution Company Ltd., A.P., rep. by its Chairman and Managing Director.
2 The Chief General Manager, Commercial, APCPDCL, 3rd Floor, Singareni Bhavan, Red Hills, Hyderabad.
3 The Superintending Engineer, APCPDCL, Mahaboobnagar.

4 Two C.D.copies.

*Form-NIC-OGS/WP{**CPK**}*